

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§
PETITION OF KEAVNEY L.	§ No. 71, 2006
WATSON FOR A WRIT OF	§
MANDAMUS	§
	§

Submitted: February 24, 2006

Decided: May 9, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 9<sup>th</sup> day of May 2006, it appears to the Court that:

(1) The petitioner, Keavney L. Watson, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of mandamus<sup>1</sup> to compel the Superior Court to rule on his motions to proceed in forma pauperis, which were filed in ten separate civil actions. The State of Delaware has filed an answer and motion to dismiss. We find that Watson's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) In August and September 2005, Watson filed civil complaints in ten different cases against various individuals and companies. He filed a motion to proceed in forma pauperis with each complaint. On November

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<sup>1</sup> Del. Const. art. IV, § 11(6); Supr. Ct. R. 43.

23, 2005, the Superior Court held a hearing on the motions. In response to an inquiry by Watson, the Superior Court stated that no action would be taken in the cases until the transcript of the hearing was filed. The Superior Court docket reflects that the transcript of the hearing was filed in the Superior Court on February 27, 2006.

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.<sup>2</sup> As a condition precedent to the issuance of the writ, Watson must demonstrate that: he has a clear right to the performance of the duty; no other adequate remedy is available; and the trial court has arbitrarily failed or refused to perform its duty.<sup>3</sup>

(4) In addition to ruling on Watson's motions to proceed in forma pauperis, the Superior Court must also review each complaint to determine whether it should be served on the defendants.<sup>4</sup> As such, we do not find the passage of approximately two months since the date the transcript was filed to constitute evidence of the Superior Court's arbitrary failure or refusal to act. We find no basis for the issuance of a writ of mandamus in this case.

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<sup>2</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>3</sup> *Id.*

<sup>4</sup> Del. Code Ann. tit. 10, § 8803(b).

NOW, THEREFORE, IT IS ORDERED that Watson's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice